

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, MARCH 7, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Patrick Natarelli

Also Present: Lino J. Sciaretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
J&L Reporting Service, for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

**IPB Matters
Considered:**

- 94-03 – Westwood Development Associates, Inc.**
Sht. 10, P25J2, 25K2, Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25, P-25J
- 98-44 – Ciccio & Chernick**
Sht. 10C, Bl. 226, Lot 25
- 00-28 – Bridge Street Properties, LLC**
Sht. 3, P-103
- 00-30 – Eileen Fisher**
Sht. 2, P-109P6, 109P9, 109R3A
- 00-40 – Astor Street Associates, LLC**
Sht. 7, Portion of P-25000
- 01-01 - Richard & Margaret Wood**
Sht. 12B, Lot #63
- 01-04 – Alan Neiditch**
Sht. 12B, Lot 65
- 01-06 – Salvatore & Antoinette DeNardo**
Sht. 10B, Bl. 229, Lot 54
- 01-10 – Melissa King**
Sht. 7B, Bl. 249, Lot 12
- 01-11 – Jeffrey & Tracy Halpern**
Sht. 10, P-100
- 01-12 – Henry & Georgia Higbie**
Sht. 15, P-119D, L

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #00-28:

Application of Bridge Street Properties, LLC for Site Development Plan Approval for property at One Bridge Street.

John Kirkpatrick, Esq., appeared for the Applicant. The Application relates to the proposed development of a 3-story building for business and light industrial use located at West Main Street between the Metro North Railroad and the Hudson River.

The Chairman reported receipt of three letters in response to the Board's lead agency letter. The letters, which are filed with these Minutes, are from the Westchester County Planning Board, the Department of State and the Department of the Army. The Board directed the Applicant to respond to the issues raised in these three letters. Tim Miller, the Board's consultant, also suggested, and the Board agreed, that the Applicant should provide a Visual Resource Impact Study and an analysis of the proposed development on sanitary matters and storm water matters. The Board declared itself Lead Agency in this matter and the matter was carried over to the Board's next meeting.

IPB Matter #01-01:

Application of Richard & Margaret Wood for Amendment of Site Development Plan Approval for property at 7 Manor Pond Lane.

The Applicant did not appear and this matter was carried over.

IPB Matter #01-10:

Application of Melissa King for Waiver of Site Development Plan Approval for property at 62 West Clinton Avenue.

Robert Reilly appeared for the Applicant. The Application relates to the proposed construction of a one story addition to an existing kitchen. Plans entitled Melissa King, 62 West Clinton Avenue, Sheets M1, M2 & M3 prepared by Robert Reilly, Architect, dated February 21, 2001 were submitted. Mr. Mastromonaco had no engineering concerns and there were no comments from the public.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes.

After discussion, on motion duly made and seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection and will not require major site disturbance or removal of any significant trees (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-11:

**Application of Jeffrey & Tracy Halpern for
Site Development Plan Approval for property
at 20 Strawberry Lane.**

Craig A. Studer appeared for the Applicant. The Application relates to the proposed phased construction of retaining walls and slab terrace, a detached garage and conservatory and patio. Plans entitled Halpern Residence, Prepared by Studer Design Associates-Landscape Architects dated February 19, 2001, 2 sheets, were submitted.

The Applicant explained that no zoning variances will be required. Mr. Mastromonaco had the following comments to which the Applicant will respond:

- need for survey
- building coverage calculations
- architectural elevations
- relocation of water service
- construction details of retaining walls.

The Applicant agreed to submit revised plans deleting the garage structure. This matter was carried over to the Board's next meeting.

IPB Matter #01-12:

**Application of Henry and Georgia Higbie for
Site Development Plan Approval for property
at 4 Hudson Road East.**

Lanny Lerner and James E. Miller of Miller & Lerner Architects appeared for the Applicant. The Application relates to the proposed addition to the first floor of

787 square feet, including an enlarged garage, addition to the second floor of approximately 129 square feet and related site work. Plans entitled Higbie Residence, Additions & Alterations, 4 Hudson Road East, Prepared by Miller & Lerner Architects, dated February 12, 2001, 8 sheets, were submitted.

The Board (citing Mr. Mastromonaco's comments) requested:

- tree protection plan
- topographical analysis
- building coverage calculations
- drainage control plan
- erosion control plan

This matter was carried over to the Board's next meeting.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for final subdivision approval for property at Riverview Road.

Norman Sheer, Esq., appeared for the Applicant. This Application previously received preliminary subdivision approval from the Board, and the Applicant is now before the Board regarding final subdivision approval which incorporates a proposed sewer line hook-up in lieu of the previously proposed septic system.

The Applicant explained that an existing private sewer line running under the private portion of Riverview Road and belonging to the Wexlers, if improved and accepted by the Village as a public sewer, will allow the Applicant and other property owners to tie in to such sewer line. The Village has agreed to accept dedication of the sewer line if the conditions in Mr. McCabe's letter dated October 26, 2000 are satisfied. Such letter is filed with these Minutes. The Board requested that the Applicant:

- obtain a letter from Mr. Casadone confirming the Village's inspection and approval of the line or submit the plans for review by Mr. Mastromonaco..
- confirm that there will be no adverse impact on the existing water line that crosses the proposed lots.
- deliver the agreement with the Wexlers and an amended plat reflecting the driveway easement.

The Board set a public hearing for this matter for April 4, 2001, subject to the Applicant's satisfactory submission of completion of the required application material.

IPB Matter #01-04:

Application of Alan Neiditch for Site Development Plan Approval for property at 5 Manor Pond Lane.

Robert Tramontano appeared for the Applicant. The Application relates to the proposed construction of an in-ground swimming pool. Plans entitled: Proposed Swimming Pool Development Plan, Mr. & Mrs. Alan Neiditch, Prepared by Tramontano

and Rowe, Landscape Architects & Site Planners, last revised February 15, 2001, were submitted. The Board noted that the construction is within the building envelope and that the original site plan (IPB Matter #97-05) recognized the possible addition of a pool. The Applicant has responded to all of Mr. Mastromonaco's concerns.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and determined that the application is for a proposed action which is a Type II Action under SEQRA. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopted or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-06:

**Application of Salvatore & Antoinette DeNardo
for Site Development Plan Approval for
property at 92 East Sunnyside Lane.**

Paul Petretti appeared for the Applicant. The Application relates to the demolition of an existing house and the construction of a new two-family residence.

The Applicant has agreed to grant an easement to the Village in respect of water and sewer lines on the property. The Applicant agreed to obtain a demolition permit from the Building Inspector prior to commencement of any work and provided a new survey and metes and bounds description. The Applicant further acknowledged that a certificate of occupancy will be conditioned on demolition of the garage.

After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site Development Plan Approval subject in all events to the Village's acceptance of the proposed easement. Drawings submitted were: Site & Utility Plan, Lot 29 Lander Hudson View Park, last revised February 13, 2001, by Paul J. Petretti, P.E., Grading, Drainage Steep Slope & Tree Preservation Plan, Lot 29 Lander Hudson View

Park, last revised February 13, 2001 by Paul J. Petretti, P.E. and Erosion Control Notes, Section & Details, Lot 29 Lander Hudson View Park, dated January 24, 2001 by Paul J. Petretti, P.E.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Charles Pateman appeared for the Applicant. The proceeding was a continuation of the public hearing on the Westwood Development project. A full stenographic record was made of the proceedings.

The Chairman reported that the Board held a work session on February 27, 2001 and reviewed the building envelopes and limits of disturbance on all 38 lots and that the Board is waiting for responses from the Board of Trustees regarding various matters, including emergency access maintenance and Marshall's Pond.

The Chairman requested comments from the public. Mr. Edward Tishelman expressed concern about the condition of the road leading to Marshall's Pond and his property. The Applicant agreed to restore the road after construction.

Dr. Alan Felix expressed a desire to extend the conservation easement as a buffer on the steep slope of Tract A. The Board noted that the easement had already been extended onto the lot abutting his property, and that specific design issues will be considered in detail when final site plan approval is given on each lot.

The Board closed the public hearing.

IPB Matter #00-30:

Application of Eileen Fisher for Site Development Plan Approval for property at 44 Matthiessen Park.

Earl Ferguson appeared for the Applicant. The Application relates to the proposed demolition of an existing residence and construction of a new residence.

Mr. Mastromonaco reported that the Applicant's revised plans have responded to all his comments. The Applicant submitted a chart reflecting a comparative analysis of the previously rejected plans and the new plans. Plans entitled, Survey of Property, Prepared for Eileen Fisher, Village of Irvington, dated 8/19/98 prepared by Charles Riley, L.S. (Sht. L-1), Slope Analysis, Survey of Property prepared for Eileen Fisher, dated 2/21/01 prepared by Charles Riley (Sht. L-2), Fisher Residence, Tree Removals Plan, Prepared by IQ Landscape Architects, dated 2/21/01 (Sht. L-3), Site Plan, Grading & Drainage Plan, dated 2/21/01, prepared by Keane Coppelmann Engineers, P.C., (Sht. L-4), Landscape Plan dated 2/21/01, prepared by IQ Landscape Architects (Sht. L-5),

Construction Notes & Details, dated 2/21/01 prepared by Keane Coppelman Engineers (Sht. L-6); & Zoning Analysis, dated 2/21/01 (Sht A-01), Cellar Plan, dated 2/20/01 (Sht. A-02) , and Sheets A-03-A-09, dated 2/20/01, prepared by Earl Ferguson, Architect.

Mr. Marron noted that he is satisfied with the height and coverage issues, but issues remain regarding the water and sewer line capacities. The Board requested that the Applicant provide evidence that the Applicant possesses an easement over a neighboring property for access to the rear portion of the property at an existing curb cut.

The Board concluded that the Application is now complete and set a public hearing for April 4, 2001.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC
for Site Development Plan Approval for
property at Astor Street.**

The Application was carried over to the April meeting.

The Board then considered the following administrative matters:

- . The next regular meeting of the Planning Board was scheduled for April 4, 2001.

Patrick Natarelli tendered his resignation from the Planning Board, effective immediately. The Chairman thanked him for his many years of service to the Village as a Member of the Planning Board as well as in other capacities.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary